



**A. Diversity of Citizenship**

2. Plaintiff Lenoria Booker, Individually, and as Heir to and Representative of the Estate of Alfred Booker, Sr., Deceased, is a resident of the State of Texas.

3. Plaintiff Alfred Booker, Jr., Individually, and as Heir to the Estate of Alfred Booker, Sr., Deceased is a resident of the State of Texas.

4. Plaintiff Roddrick Booker, Individually, and as Heir to the Estate of Alfred Booker, Sr., Deceased is a resident of the State of Texas.

5. Plaintiff Derek Booker, Individually, and as Heir to the Estate of Alfred Booker, Sr., Deceased is a resident of the State of Texas.

6. Plaintiff Paul Booker, Individually, and as Heir to the Estate of Alfred Booker, Sr., Deceased is a resident of the State of Texas.

7. Defendant Diversicare Treemont, LLC d/b/a Treemont Healthcare and Rehabilitation Center, formed under the laws of the State of Delaware, is a single member LLC with Diversicare Texas I, LLC as its sole member.

8. Diversicare Texas I, LLC, formed under the laws of the State of Delaware, is a single member LLC with Diversicare Leasing Corp. as its sole member.

9. Diversicare Leasing Corp. is a Tennessee corporation with its principal place of business in the State of Tennessee.

10. Defendant is a citizen of Tennessee.

11. Defendant is not a citizen of Texas. Accordingly, complete diversity exists and removal is proper.

**B. Amount in Controversy**

12. In their pleading, Plaintiff seeks monetary relief between \$200,000 and \$1,000,000.00. The damages alleged in Plaintiff's Original Petition are well in excess of the \$75,000.00 minimum jurisdictional limits for removal.

**II. COMMENCEMENT OF THE ACTION**

13. Plaintiffs filed their Original Petition on December 18, 2016, seeking monetary damages based on a healthcare liability/nursing home malpractice claim.

14. Plaintiff's Original Petition and a summons were served on Diversicare Treemont on December 30, 2015, thereby commencing the action against Defendant.

15. Pursuant to 28 U.S.C. § 1446(a), true and accurate copies of all process, pleadings, and orders served upon Defendant, and a copy of all papers filed in the Removed Action, are attached hereto as Exhibit "A." No other process, pleadings, or orders have been filed or served in the Removed Action.

**III. VENUE AND TIMELINESS**

16. The District Court of Dallas County, Texas, 160th Judicial District Court, the Court in which the Removed Action was pending, is located within the jurisdiction of the United States District Court for the Northern District of Texas, Dallas Division.

17. Defendant was first served with a copy of Plaintiffs' Original Petition on December 30, 2016. Pursuant to 28 U.S.C. § 1446(b)(1) and (2), removal is timely if it is filed within 30 days after receipt of service of Plaintiffs' Original Petition by Defendant. As a result, this notice of removal is timely.

For the reasons set forth above, the Defendant, Diversicare Treemont, LLC d/b/a Treemont Healthcare and Rehabilitation Center, removes to this Court the above-captioned case

from the District Court of Dallas County, Texas, 160th Judicial District Court, Cause No. DC-15-15193.

Respectfully submitted,

**HOBLIT DARLING RALLS  
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**ATTORNEYS FOR DEFENDANT  
DIVERSICARE TREEMONT, LLC D/B/A  
TREEMONT HEALTHCARE AND  
REHABILITATION CENTER**

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 29th day of January, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to each counsel of record listed below. To the extent any such counsel is not registered for such electronic delivery, the foregoing document will be served in accordance with the Federal Rules of Civil Procedure.

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By: /s/ Thomas A. Cowen  
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